

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:18-CV-04309-PKC-KHP
	§	
FRANCISCO ABELLAN VILLENA,	§	
GUILLERMO CIUPIAK, JAMES B.	§	
PANTHER, and FAIYEZ DEAN,	§	
	§	
Defendants.	§	

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**MOTION TO SEAL**

The United States of America (the “Government”), by and through its undersigned attorneys, hereby moves that this Court issue an order providing that the Government’s Notice of Motion to Stay Proceedings, the accompanying motion and memorandum of law, and the accompanying proposed form of order be filed under seal; that the accompanying declaration of Assistant Chief Tracee Plowell be submitted *ex parte* and under seal; and that any order filed by the Court responsive to the aforementioned submissions be filed under seal.

Sealing these materials is necessary because they contain information related to an ongoing criminal investigation, the public disclosure of which could hamper or impair law enforcement and jeopardize the investigation. Sealing is also necessary to avoid possible prejudice to the ongoing investigation.

The Court has the inherent power to seal court filings when appropriate. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978). The Court may also seal filings to prevent serious jeopardy to an ongoing criminal investigation when, as here, such jeopardy creates a compelling governmental interest in preserving the confidentiality of the information. *See United States v.*

*Park*, 619 F. Supp. 2d 89, 94 (S.D.N.Y. 2009) (denying motion to unseal where doing so would reveal “the subject matter and status” of an ongoing criminal investigation).

WHEREFORE, it is respectfully requested that the motion to seal is granted.

Dated: April 29, 2019

Respectfully submitted,

ROBERT ZINK  
Acting Chief, Fraud Section

BY: /s/ Tracee Plowell  
Tracee Plowell, Assistant Chief  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 29, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send notification to counsel of record.

Respectfully submitted,

ROBERT ZINK  
Acting Chief, Fraud Section

BY:                     /s/                      
TRACEE PLOWELL  
Assistant Chief  
Criminal Division, Fraud Section  
United States Department of Justice